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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KIM, CHONG HWA

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,478

Applicant(s)

ITO ET AL.

Examiner

Chong H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5 and 8 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Examiner acknowledges the Applicant's Amendment filed Mar 11, 2003 in response to the Office action made on Dec 11, 2002.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by McFarlane et al., U.S. Patent 6,173,625 B1.

McFarlane et al. shows, in Figs. 1-4, a pedal apparatus for an automobile comprising;

a bracket 12 fixed to a vehicle body 13;

a connecting parallel link mechanism C (including elements 42, 43, right side 22, 29, and 39) having a first connecting portion 29 and a second connecting portion 39 attached to the bracket;

a first parallel link mechanism A (including elements left side 22 and 24) rotatably attached to the bracket via the first connecting portion 29;

a first pedal 14 attached to the bracket via the first parallel link mechanism;

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a second parallel link mechanism B (including elements 40 and 38) rotatably attached to the bracket via the second connecting portion 39, the second parallel link mechanism being connected to the first parallel link mechanism by the connection parallel link mechanism;

a second pedal 32 attached to the bracket via the second parallel link mechanism;

an adjustment mechanism D attached to the bracket, that prescribes the forms of the first parallel link mechanism, the second parallel link mechanism, and the connection parallel link mechanism;

wherein the first parallel link mechanism is provided with a first adjustment lever 26, 28 having a first end portion and a second end portion;

wherein the first end portion of the first adjustment lever is rotatably connected to the bracket at the first connecting portion 29, and the second end portion of the first adjustment lever is rotatably connected to the first pedal;

wherein the second parallel link mechanism is provided with a second adjustment lever 38 having a first end portion and a second end portion;

wherein the first end portion of the second adjustment lever is rotatably connected to the bracket at the second connecting portion 39, and the second end portion of the second adjustment lever is rotatably connected to the second pedal;

wherein the connection parallel link mechanism comprises a first arm 22 around the first connection portion integrally with the first adjustment lever, a second arm 38 rotating around the second connecting portion integrally with the second adjustment lever, and a connection link 42 for connecting the first arm and the second arm;

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the adjustment mechanism prescribes the form of each parallel link mechanism and the connection parallel link mechanism by rotating the first arm of the connection parallel link mechanism around the first connecting portion;

wherein either one of the first pedal or the second pedal is an operation pedal further comprising operation lever that rotates around the rotational operation center in accordance with operation of the operation pedal, and prescribing portion that prescribes an allowable rotational range of the operation lever; and

wherein the prescribing portion is provided with arc groove 47 in the operating lever and centered around the rotational operation center, stopper pin 43 fixed to the bracket and inserted into the arc groove, and the arc groove and the stopper pin prescribe an allowable rotational range of the operation lever rotatably operated by the operation pedal.

Allowable Subject Matter

3. Claims 3, 5, and 8 are allowed.
4. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. In response to applicant's argument that McFarlane does not disclose the connection parallel link mechanism, the first and second connecting portions, the first and second parallel link mechanisms, or the adjustment lever, as recited in claim 1, it is the Examiner's position that

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McFarlane discloses each and every element recited in claim 1 as discussed above in paragraph 2. McFarlane shows, in Fig. 2, the first and second connecting portions 29 and 39, the first and second parallel link mechanisms A and B, and the adjustment mechanism D. (The adjustment lever was never recited in claim 1.)

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Monday - Friday; 9:00 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

chk
April 30, 2003


CHONG H. KIM
PRIMARY EXAMINER